

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

RENAISSANCE HOTEL OPERATING COMPANY

and

UNITE HERE LOCAL 631, AFL-CIO

Cases 28-CA-113793
28-CA-115712
28-CA-128643

DECISION AND ORDER

Statement of the Cases

On July 21, 2014, Renaissance Hotel Operating Company (the Respondent), UNITE HERE Local 63, AFL-CIO (the Union), and the General Counsel of the National Labor Relations Board entered into a Formal Settlement Stipulation, subject to the Board's approval, providing for the entry of a consent order by the Board and a consent judgment by any appropriate United States Court of Appeals. The parties waived all further and other proceedings before the Board to which they may be entitled under the National Labor Relations Act, as amended, and the Board's Rules and Regulations, and the Respondent waived its right to contest the entry of a consent judgment or to receive further notice of the application therefor.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Formal Settlement Stipulation is approved and made a part of the record, and the proceeding is transferred to and continued before the Board in Washington, D.C., for the entry of a Decision and Order pursuant to the provisions of the Formal Settlement Stipulation.

Based on the Formal Settlement Stipulation and the entire record, the Board makes the following

Findings of Fact

1. The Respondent's business

The Respondent is a corporation with an office and place of business in Phoenix, Arizona (the Respondent's facility), where it is engaged in operating a hotel and providing food and lodgings.

In conducting its business operations at its facility during the 1-year period ending September 20, 2013, the Respondent purchased and received goods at the

Respondent's facility valued in excess of \$50,000 directly from points outside the State of Arizona and derived gross revenues in excess of \$500,000.

The Respondent is now, and has been at all material times, an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

2. The labor organization involved

UNITE HERE Local 631, AFL-CIO is a labor organization within the meaning of Section 2(5) of the Act.

3. The appropriate unit

The following employees of the Respondent (the unit) constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time Server, Set Up Houseperson, Banquet Cashier, Banquet Bartender, Banquet Captain, Cafeteria Attendant, Cook, Pastry Chef, Steward, Cocktail Server, Food Server, Room Service Server, Busser, Cashier/Host, Bartender, Bellperson, Doorperson, Front Office Agent, PBX Operator, Houseperson, Lobby Attendant, Room Attendant, Laundry Attendant, Laundry Washer, Floor Care, Preventative Maintenance, Guest Service/Guest Calls, Engineers, and Purchasing/Storeroom Clerk located at 50 East Adams Street, Phoenix, Arizona.

Since about December 2011 and at all material times, the Respondent has recognized the Union as the exclusive collective-bargaining representative of the unit. This recognition has been embodied in collective-bargaining agreements, the most recent of which is effective from December 9, 2013, through September 30, 2016.

At all times since about December 2011, based on Section 9(a) of the Act, the Union has been the exclusive collective-bargaining representative of the unit.

ORDER

Based on the above findings of fact, the Formal Settlement Stipulation, and the entire record, and pursuant to Section 10(c) of the National Labor Relations Act, as amended, the National Labor Relations Board orders that the Respondent, Renaissance Hotel Operating Company, Phoenix, Arizona, its officers, agents, successors, and assigns, shall

1. Cease and desist from

(a) Soliciting the decertification of the Union by announcing to employees that an employee was circulating a decertification petition.

(b) Soliciting the decertification of the Union by directing employees to sign a decertification petition.

(c) Promising its employees that if they signed a decertification petition, the Respondent would grant a wage raise to employees, reinstitute a Respondent-sponsored tuition reimbursement program for employees, and assist employees with job advancement.

(d) Promulgating an overly-broad and discriminatory directive or rule requiring its off-duty employees to obtain prior authorization from the Respondent to access the cafeteria of the Respondent's facility to engage in union activities.

(e) Enforcing the directive or rule described above selectively and disparately by denying access to the cafeteria of the Respondent's facility to its off-duty employees who opposed decertification of the Union while permitting access to the cafeteria of the Respondent's facility to its off-duty employees who supported decertification of the Union.

(f) Providing more than ministerial assistance to employees in helping them remove the Union as their collective-bargaining representative.

(g) In any like or related manner interfering with, restraining, or coercing its employees in the exercise of the rights guaranteed them by Section 7 of the Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act.

(a) Within 14 days of service by Region 28 of the National Labor Relations Board (Region 28), post at its Phoenix, Arizona, facility copies of the attached notice marked "Appendix A." Copies of the notice, on forms provided by Region 28, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. In addition to physical posting of paper notices, the Respondent shall distribute notices electronically, by email, posting on an intranet or internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means. The Respondent will take reasonable steps to ensure that the notices are not altered, defaced or covered by any other material. In the event that, during the pendency of these proceedings, the Respondent has gone out of business or closed the facility involved in these proceedings, the Respondent shall duplicate and mail, at its own expense, a copy of the notice to all current employees and former employees employed by the Respondent at any time since August 20, 2013.

(d) Within 21 days after service by the Region, file with the Regional Director of Region 28 a sworn certificate of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

Dated, Washington, D.C., October 1, 2014.

Kent Y. Hirozawa, Member

Harry I. Johnson, III, Member

Nancy Schiffer, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

APPENDIX A

NOTICE TO EMPLOYEES POSTED BY ORDER OF THE NATIONAL LABOR RELATIONS BOARD An Agency of the United States Government

PURSUANT TO A STIPULATION PROVIDING FOR A BOARD ORDER AND A CONSENT JUDGMENT OF ANY APPROPRIATE UNITED STATES COURT OF APPEALS

FEDERAL LAW GIVES YOU THE RIGHT TO:

Form, join, or assist a union;
Choose representatives to bargain with us on your behalf;
Act together with other employees for your benefit and protection;
Choose not to engage in any of these protected activities.

WE WILL NOT solicit the decertification of the Union by announcing to you that an employee is circulating a decertification petition.

WE WILL NOT solicit the decertification of the Union by directing you to sign a decertification petition.

WE WILL NOT promise you that if you sign a decertification petition we would grant you a wage raise, reinstitute our sponsored tuition-reimbursement program for employees, and assist you with job advancement.

WE WILL NOT promulgate an overly-broad and discriminatory directive or rule requiring off-duty employees to obtain prior authorization to access the cafeteria to engage in union activities.

WE WILL NOT enforce the directive or rule described above selectively and disparately by denying access to the cafeteria to off-duty employees who oppose decertification of the Union while permitting access to the cafeteria to off-duty employees who support decertification of the Union.

WE WILL NOT provide more than ministerial assistance to employees in helping them get rid of the Union.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce you in the exercise of the rights guaranteed you under Section 7 of the Act.

RENAISSANCE HOTEL OPERATING COMPANY

The Board's decision can be found at www.nlr.gov/case/28-CA-113793 or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1099 14th Street, N.W., Washington, D.C. 20570, or by calling (202) 273-1940.

